

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) GEORGE COLLINS and)	
(2) ALRIKA COLLINS,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 22-cv-00318-RAW-JAR
)	
(1) STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

SECOND JOINT STATUS DISCOVERY REPORT

COME NOW the parties, by and through their respective counsel of record, and for their Joint Status Discovery Report, do hereby state and allege as follows:

1. On May 26, 2023, the Court entered the parties' current Scheduling Order.
2. According to the Scheduling Order, a Zoom Status Conference call is to be conducted on September 28, 2023, and the parties are to file a Joint Status Discovery Report on or before September 22, 2023.
3. The following will serve as the parties' Joint Status Discovery Report:
 - (1) Plaintiff issued written discovery on April 4, 2023. Defendant issued written discovery on April 11, 2023.
 - (2) Defendant responded to Plaintiffs' written discovery on May 22, 2023 by agreement of the parties. Plaintiffs responded to Defendant's written discovery on May 30, 2023 by agreement of the parties.
 - (3) Defendant produced 8,167 documents with its discovery. Plaintiffs produced 1,141 documents with their discovery.
 - (4) No depositions have been obtained by either party at this time. Defendant's expert, Derek VanDorn, completed a site inspection on May 19, 2023. His expert report was subsequently filed with this Court on June 23, 2023.

- (5) Defendant attempted to schedule depositions of the Plaintiffs and their non-retained experts by agreement, but were not provided dates of availability or a response to its requests. Thereafter, Defendant issued NTTDs of Plaintiffs' non-retained experts as follows:

- Plaintiffs' public adjuster, Ian Rupert- October 3, 2023 (Oklahoma City, OK)
- Plaintiffs' engineer, Chad Willaims- October 2, 2023 (Tulsa, OK)
- Plaintiffs' mold consultant, Luke Hibbs-October 11, 2023 (Oklahoma City, OK)
- Plaintiffs' safety consultant, Kevin Dandridge-October 6, 2023 (Phoenix, AZ)

Defendant has not yet issued notices for the depositions of Plaintiffs, but will do so if unable to reach an agreed date/time to conduct same. Other than the individuals identified above, Defendant does not intend to seek any other depositions at this time. Plaintiffs have not requested any depositions at this time.

- (6) Defendant has issued subpoenas to all of Plaintiffs' non-retained experts. None of the entities have produced any responsive documents. Plaintiffs' public adjuster, Ian Rupert, filed a Motion to Quash Defendant's subpoena which was denied by this Court long ago.

Both Mr. Rupert and Mr. Williams have their own counsel and requested unreasonable and unsupported fees to respond to Defendant's subpoenas and/or deposition, especially given Plaintiffs' own admission they have not endorsed as expert witnesses. None of the non-retained experts complied with Rule 26 disclosures

Defendant has attempted to follow up with Mr. Williams' counsel to no avail. Defendant understands counsel for Mr. Rupert is attempting to reschedule his deposition by agreement and "researching" her client's request for an hourly rate of \$100 to respond to the subpoena and appear for deposition. Plaintiffs have not issued any subpoenas at this time.

- (7) None from the Defendant other than expected Motions to Compel the various non-parties.

Respectfully submitted,

**ATKINSON, BRITTINGHAM,
GLADD, FIASCO & EDMONDS**
A PROFESSIONAL CORPORATION

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